

KENT COUNTY COUNCIL

CABINET SCRUTINY COMMITTEE

MINUTES of a meeting of the Cabinet Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 13 December 2011.

PRESENT: Mrs T Dean (Chairman), Mr G Cowan, Mr R F Manning, Mr R J Lees, Mr A R Chell, Mr D A Hirst, Mr M J Jarvis, Mrs J P Law, Mr M J Northey, Mr C P Smith, Mr R E Brookbank (Substitute for Mr R E King) and Mrs S V Hohler (Substitute for Mr E E C Hotson)

ALSO PRESENT: Mrs J Whittle and Mrs A D Allen

IN ATTENDANCE: Mr A Ireland (Corporate Director, Families and Social Care), Mr P Brightwell (Performance and Quality Assurance Manager, LAC), Ms D Fitch (Assistant Democratic Services Manager (Policy Overview)) and Mrs A Taylor (Research Officer to Cabinet Scrutiny Committee)

UNRESTRICTED ITEMS

33. Minutes of the meeting held on 25 July 2011

(Item A4)

- (1) Referring to paragraph 30 (1) the Chairman informed Members that a group had met to discuss the Performance Management Framework and that this would be reported to the Policy Overview and Scrutiny Committees to give all Members the opportunity to discuss the Framework.
- (2) RESOLVED: that the minutes of the meeting held on 25 July 2011 are correctly recorded and that they be signed by the Chairman.

34. Follow-up Items from Cabinet Scrutiny Committee

(Item A5)

- (1) Members had received a briefing note on Highway Drainage Cleansing, however they were unaware how many gullies were in the county. Mrs Law requested that an issue she raised relating to the sharing of gully space with utility companies be followed up.
- (2) RESOLVED: that the Cabinet Scrutiny Committee note the follow-up items report.

35. Notes of the Informal Member Group on Budgetary Issues held on 15 September

(Item A6)

- (1) RESOLVED: that the Cabinet Scrutiny Committee approve the notes of the Informal Member Group on Budgetary Issues held on 15 September 2011.

36. Notes of the Informal Member Group on Budgetary Issues held on 14 October
(Item A7)

- (1) RESOLVED: that the Cabinet Scrutiny Committee approve the notes of the Informal Member Group on Budgetary Issues held on 14 October 2011.

37. Notes of the Informal Member Group on Budgetary Issues held on 2 December - to follow
(Item A8)

- (1) RESOLVED: that the Cabinet Scrutiny Committee approve the notes of the Informal Member Group on Budgetary Issues held on 2 December 2011.

38. Kent's Multi-Agency Looked After Children Strategy (Cabinet report attached)
(Item C1)

- (1) The Chairman welcomed Mr Andrew Ireland to his first meeting of Cabinet Scrutiny having recently joined the authority.
- (2) The witnesses were asked what they thought of Mr Narey's (the former Chief Executive Officer of Barnardo's) comments in response to a question about the social background to Looked After Children (LAC) and that by dealing appropriately with LAC that the number of new cases, and therefore the pressure on the budget, would decrease. Mr Narey had previously commented that trends were actually going in the opposite direction, and that in the future more children might become LAC.
- (3) Mr Ireland explained that he understood Mr Narey's remarks in relation to the need to intervene earlier with young children, and that in his opinion and experience this was right. There was an issue for Local Authorities with older children, particularly following the Southwark judgement [which made councils responsible for the health needs and well-being of homeless 16 and 17 year olds.] It was considered that there were often poor outcomes resulting from the care experience for adolescents. There were increased pressures surrounding older children, their education has often been disrupted and this could prove to be more challenging, it was considered important to draw distinctions around particular scenarios.
- (4) Mrs Whittle explained that it was essential to get early intervention right, particularly where it was highly unlikely that the children would be reunited with their parents.
- (5) Mr Brightwell referred to the 2006 Care Matters document which predicted that the population of Looked After Children would reduce but that it would be more needy and vulnerable. It wasn't the aim to prevent children from becoming looked after if they needed to be but children were sometimes staying in the system for much longer than necessary at present.
- (6) In 2001 Kent published its first big strategy to reduce the numbers of looked after children. The new strategy (2011 to 2015) focussed on reducing the average

length of time children needed to be looked after. Based on current looked after children numbers, a reduction in one month would show as a reduction of 100 children on the LAC register. It was perhaps the case that in 2001 the authority had prevented children entering the care system when they needed to and that had created a bottleneck in the system that has contributed to an increase in looked after children numbers since 2008. It was necessary to develop high quality services to support children, not to prevent them entering the system when they needed to.

- (7) Mr Brightwell explained that the multi-agency strategy was drawn up following the criticism from Ofsted.
- (8) Members queried how funding was going to reduce the numbers of LAC. For foster children the ultimate aim was to reunite them with their families, although it was accepted that there were times when this was not possible. In the current economic times there were increased pressures on families, how would the numbers of LAC be reduced under such circumstances? In addition to this Kent suffered with children entering Kent's care system from London Boroughs.
- (9) Mrs Whittle explained that the family support service had been hugely successful in intervening with families on the brink of breakdown, however in 2008 this service stopped and there was a correlation between the service ending and an increase in Looked After Children. There were 400 more children in local authority care than there were 3 years ago, some authorities, such as Lincolnshire, had seen their numbers of LAC decline and officers were looking at best practice at other authorities. It was accepted that it was a mistake to end the family support service which was perhaps taken for granted at the time when services were merging. It was clear that the best performing authorities recognised the value of early intervention.
- (10) Mr Brightwell explained that a comprehensive study by Biehal et al (2005) was done in York which compared, over a number of years, different approaches and services available to teenagers. It showed the importance of specialist preventative services for teenagers. The Local Authorities with specialist services were 20-25% more effective at preventing teenagers entering long term care than those which relied on generic services.
- (11) Members discussed the difficult relationship between the economy and LAC numbers. Kent had an extremely diverse LAC population which included children looked after by KCC, placements by KCC and then unaccompanied asylum seekers. There were areas of high deprivation and high affluence; there was a need for consistency whilst reflecting district variations.
- (12) It was important to reduce drift, and reduce the length of time LAC spent getting through the court system which at present was unacceptable. Reducing drift would have a huge impact on the numbers of children in the system. There was a need for a more constructive relationship with the courts and officers had met recently and set up a working party between the relevant agencies with an aim to:
 1. reduce delays within the court system, figures of 80 weeks were quoted in some cases which was unacceptable,

2. focus on improving the quality of assessments to the courts
3. reduce the number of expert assessments provided, assessments should be streamlined and be of high quality explaining why children should be brought into care

Officers were confident that it would be possible to streamline the process and meet the needs of the court whilst improving the system for the children involved.

- (13) It was important to remember that one size doesn't fit all, there were concerns about the 20mile radius and Kent receiving children from the London Boroughs into the care system. The numbers of children coming to Kent from London had increased from 18months ago. Children was also placed outside of Kent however, for reasons such as adoption, relatives, KCC carers in Medway, specialist accommodation that could not be provided in Kent. Officers would look at whether specialist accommodation could be provided in Kent to prevent some children having to leave the County.
- (14) Members queried whether head teachers could legally refuse to take LAC. A clear position would be sought in relation to the admission criteria of schools. There was a legal and moral responsibility for local authorities not to place children in places where there would be resourcing difficulties and a lack of facilities. There was also a legal duty on the authorities to only place a child outside of the local authority area if it was in the child's interest. KCC had been proactive in raising the profile of this issue. Members queried what else could be done to prevent non-compliance with the legal duty.
- (15) Members had a responsibility to raise any concerns with the placing authority or the Government, it was feasible to ask why a child was being placed in a particular area and how conducive the placing was for the core plan for the child. It was important to work with the London Boroughs and to seek practice from authorities such as Isle of Wight, Plymouth, Staffordshire which had similar problems with children being placed from other areas.
- (16) The witnesses were questioned on their budget and whether pressures were built into the base budget with such a demand driven service with uncertainties about the future. There were pressures within the service relating to unaccompanied asylum seeking children, and the Southwark judgement presented further pressures for the authority. The Directorate had looked at social worker packages as it was essential to tackle the large vacancy rate. Increasing the remuneration of social workers to improve retention placed a pressure on the budget. Significant funding had been put into the budget to 'fix' the service. The unit cost per LAC was low at £27,000 in comparison to the average national figure of £36,000 however there were too many children in the system.
- (17) There would be a drive in spring 2012 to recruit KCC foster carers in the areas of shortfall, as there continued to be significant numbers of children being placed a significant distance away although within the county, due to the lack of more local foster carers.
- (18) Members commended the inclusion of the young people's comments in the strategy and considered that a further point should be added to the strategy to

enable children to participate in their own planning. There should also be a focus on parenting skills to stop the cycle of LAC. The prevention strategy which was currently in draft form would pick up the comments Members had raised.

- (19) There was a discussion around the effect of alcohol on families, and it was important to ascertain the factors behind the child coming into care. There should be more cross referencing with Kent Drug and Alcohol Action Team as this may enable earlier intervention with the parents. Members were reassured that all aspects of the child's circumstances were taken into account but this was not always aggregated to draw the statistics out. Drug and Alcohol issues featured strongly in many Serious Case Reviews. Officers would look at how the statistics could be brought together to show the influence of drugs and alcohol more clearly. Members considered that further work was needed on the balance of budgets relating to drugs and alcohol.
- (20) Members referred to page 9 of the strategy and under what circumstances would a school not know that they had LAC. Under the duties within S.52 of Children Act 2004 all schools were required to have a teacher with knowledge of the LAC in their school, who the responsible authority was and who the carer was. Corporate parents should be ensuring that schools had a designated teacher, determining arrangements Kent had made for notification when children placed outside of the local authority area and talking to schools in case there were difficulties with notification. If the placing authority fulfils all the statutory duties the system was foolproof, if there were failures the child could remain unknown for a period of time. 10 years ago there was a lack of knowledge about LAC, at present the pastoral support was very good and staff were focussed on supporting LAC.
- (21) Mr Cowan referred to his own experience as a KCC foster carer and stated that the support provided by KCC's fostering service and their liaison with schools in information sharing on looked after children was outstanding.
- (22) Referring to page 11 of the strategy Members considered that any child experiencing 56 placements in their time in care was totally unacceptable. The situation had improved however, and it was necessary for some children to move placements, but there was a need to increase the placement choice, 260 more placements were needed to be able to offer a significant placement choice. There was a need to make fostering more attractive. Kent had a diverse group of children; some were looked after for just a day, others for the whole of their childhood.
- (23) Members discussed the homelessness protocol; Kent was one of the first local authorities to establish protocols with the district housing authorities. It was clear that it was essential to work together on the placement strategy.
- (24) There was a discussion around permanently looked after children and what this meant for the families and the children. Mr Brightwell explained that when it was agreed that a child should remain in a placement until 18 years this was considered a permanency placement which gave children a greater sense of stability.
1. subjective permanency – where child has a sense of belonging
 2. legal permanency – legally adopted or special guardianship

3. concrete permanency - where professionals recognise that child is in permanent home

Further information would be provided on the options available to LAC and their carers. No-one was forcing the young people or their carers to enter into permanent arrangements, but for some families it was the preferred option.

- (25) There was a need to be led by the needs of the young people; if distance learning would best meet the needs of the child then the authorities should be doing all in their power to facilitate that.
- (26) Members asked about the flow of information, it was considered that in the past problems had been partly due to an inadequate flow of information. The witnesses explained that the improvement plan had been useful and had put the challenge back in the system. Regarding LAC specifically there was a need for more information and for this to go further. There was a balance between safeguarding and LAC data and was important in relation to phase 2 of the plan. The performance data had enabled the challenge of District Managers.
- (27) The Chairman of the Corporate Parenting Panel was in attendance and stated that she found the debate extremely informative and was heartened by Members interest in the Corporate Parenting role. The role was evolving and gathering momentum well and should be included in the Member induction process.

RESOLVED: that the Cabinet Scrutiny Committee:

- (28) Thank Mrs Whittle, Mr Ireland and Mr Brightwell for attending the meeting and answering Members' questions. Members considered that there had been an excellent debate and were reassured by the discussion had with the witnesses.
- (29) A bullet point should be added to page 10 of the strategy regarding the importance of listening to the Looked After Children and how, as Corporate Parents, Members can facilitate this.
- (30) The addition of a bullet point on page 11 of the strategy mentioning alcohol or confirmation that alcohol is included within the 'substance misuse' reference on that page
- (31) Look at examining the link with Kent Drugs and Alcohol Action Team possibly as part of the prevention strategy.
- (32) Further details to be provided about the bullet points on page 11 of the strategy.
 1. 'The average number of placements that our looked after children experience during their time in care' and
 2. 'The average length of time that a child/young person is looked after before achieving permanence or leaving care'Why the range of figures is so high and what can be done to tackle these figures.
- (33) The inclusion of targets regarding number of placements per child within the strategy and clarification of those targets.

- (34) Clarity should be provided for carers in relation to permanently Looked After Children and special guardianship possibly via workshops.
- (35) Explore distance learning for Looked After Children, possibly via the virtual school or other means.
- (36) Clarification should be sought regarding the admissions criteria for schools and the situation regarding prioritisation of looked after children within that criteria.
- (37) Independent Reviewing Officers should consider challenging their counterparts in placing authorities regarding the appropriateness of placing looked after children in Kent
- (38) Identify other local authorities who have similar problems regarding looked after children being placed within their boundary and working with them to find a solution.
- (39) Write to London Boroughs to encourage them to work with each other to use vacant places in their boroughs to place Looked After Children.
- (40) Write to Mr Loughton to encourage him to enforce local authorities who place children more than 20 miles from their home (the 20mile limit) – include statistics separating the number of asylum seeking children in Kent and the number of Looked After Children placed by other local authorities in Kent.
- (41) Provide Members with details of the successor bodies to the Kent Improvement Board and Children's Services Improvement Panel to ensure Members continue to be part of the chain receiving information.